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MEMO ENDORSED

December 20, 2011

VIA FEDERAL EXPRESS

Honorable Cathy Seibel
United States District Judge
U.S. District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

12/30/11
IBM may oppose motion to amend on or before 1/4/12. Plaintiff may reply by 1/6/12 status conference (10 AM). Discovery issue to be addressed to Judge Smith.
So Ordered.

Cathy Seibel
Cathy Seibel, U.S.D.J.

Dated: 12/21/11

Re: **Christoff v. Saturn Business Systems/IBM**
Case No. 10 CV 8505 (CS)

Dear Judge Seibel:

We are counsel for IBM Corporation ("IBM"). IBM was dismissed from this case on June 17, 2011. For the reasons set forth herein, IBM respectfully requests a conference with the Court and the parties to discuss recent requests and filings made by Plaintiff Stephanie Christoff ("Plaintiff").

After the Court dismissed IBM from the case, Plaintiff continued to serve IBM with written discovery requests. IBM has advised Plaintiff on two occasions that it was dismissed from the case and that written discovery can only be served on parties. Thereafter, on December 6, 2011, Plaintiff served me with a subpoena to take my deposition in connection with the case.¹ Of course, my only connection to the case is that I was lead counsel for IBM. Additionally, the subpoena served on me requires me to bring IBM's written discovery responses to the deposition. If necessary, IBM will file a motion to quash the subpoena.

Additionally, on December 1, 2011, Plaintiff served IBM with a motion to amend the Complaint to include IBM as a Defendant. Although IBM is not currently a party to the suit, IBM requests an opportunity to oppose the motion to amend, as IBM believes that any amendment would be futile.

¹ The subpoena orders me to appear on September 19, 2011, although it was not served until December 2011.

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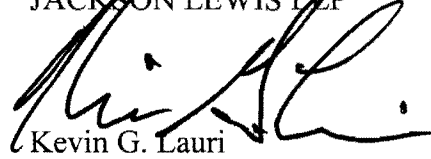
Attorneys at Law

Honorable Cathy Seibel
United States District Judge
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IBM therefore respectfully requests a conference with the Court and the parties to discuss these issues.

Respectfully submitted,

JACKSON LEWIS LLP

A handwritten signature in black ink, appearing to read 'Kevin G. Lauri', is written over the printed name.

Kevin G. Lauri

cc: Dana G. Weisbrod, Esq.
Andrew W. Singer, Esq.
Stephanie Christoff